

THE THIRD BRANCH

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New Director of the Administrative Office Named



Leonidas Ralph Mecham, out-going Director of the Administrative Office of the U.S. Courts, welcomes newly named Director James C. Duff as Chief Justice John G. Roberts looks on.

Chief Justice John G. Roberts, Jr., has named James C. Duff as the director of the Administrative Office of the U.S. Courts (AO). The Chief Justice made the announcement and introduced Duff to employees on April 20, at the

AO's headquarters in the Thurgood Marshall Federal Judiciary Building in Washington, DC. Standing with Duff and the Chief Justice was Leonidas Ralph Mecham, the current director of the AO who Duff will

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INTERVIEW

Justice O'Connor Speaks Out



Supreme Court Justice Sandra Day O'Connor

Justice Sandra Day O'Connor retired from the Supreme Court of the United States on January 31, 2006, after 24 years of service. She was interviewed in April 2006, by *The Third Branch* staff.

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succeed. Mecham will retire this summer after nearly 21 years as director.

Duff, who has over 30 years of legislative, litigation, and management experience in Washington, DC, comes to the position from the Baker, Donelson, Bearman, Caldwell, and Berkowitz law firm, where he has served as the managing partner of its Washington, DC office for six years.

"I look forward to good working relations with the other two branches of government to effectuate what Justice Jackson and later Chief Justice Rehnquist referred to as the 'separate but interdependent' nature of the branches of our government," Duff said in remarks delivered to AO employees. "Those of you who have labored here for years know firsthand how interdependent our branches are, particularly those of you who work on the Judiciary's budget."

The director of the AO serves as the chief administrative officer of the federal courts under the direction and supervision of the Judicial Conference of the United States, the principal policy-making body for the federal court system.

Duff will be responsible for the management of the AO with approximately 900 employees, and for providing legal counsel to the Judiciary and administrative support to approximately 2,000 judicial officers and 30,000 court employees. Duff will serve as advocate and liaison for the judicial branch in its relations with Congress, including working with Congressional committees to secure the Judiciary's annual appropriation. He also will be responsible for executing the Judiciary's \$6 billion dollar annual budget.

In announcing his selection, the Chief Justice noted, "Jim Duff is uniquely qualified to lead the Administrative Office at this critical time. He has proven himself to be a




In recognition and appreciation of Leonidas Ralph Mecham's tenure as Director of the Administrative Office, Judge Alan B. Johnson (D. Wyo.), on behalf of the Federal Judges Association, presented Mecham and his wife Barbara with a collector's edition of the Federalist Papers. The presentation was made during the association's May 2006 meeting in Washington, DC.

dedicated public servant on behalf of the Judiciary. I am delighted that he has agreed to take on this responsibility and certain that he will do an excellent job."

Duff has served under two other Chief Justices. He was Chief Justice William H. Rehnquist's administrative assistant from 1996-2000, serving as the chief of staff at the Supreme Court and as liaison to the other two branches of government on behalf of the Chief Justice. He began his career as an office and courtroom assistant to Chief Justice Warren E. Burger from 1975-1979, while attending law school.

After graduating from the Georgetown University Law Center in 1981, Duff became an associate and then a partner at Clifford & Warnke. There his practice focused on antitrust litigation and legislative matters until 1991 when most of the firm merged with Howrey & Simon. He continued with Howrey & Simon until 1996 when Chief Justice Rehnquist appointed him to

be his administrative assistant. He joined Baker, Donelson, Bearman, Caldwell, and Berkowitz in 2000, where he has represented clients in various legislative, corporate, and litigation matters. His clients have included the Federal Judges Association, the University of Kentucky, the NCAA, and The Freedom Forum and Newseum, Inc.

Duff graduated from the University of Kentucky Honors Program in 1975 where he was Phi Beta Kappa, and received a J.D. from the Georgetown Law Center in 1981. He has taught Constitutional Law at Georgetown University since 1999, and has served on several boards, including the Capital Hospice Foundation, the Supreme Court Historical Society, and the Lawyers' Committee of the National Center for State Courts. Chief Justice Rehnquist appointed him to chair the Supreme Court Fellows Commission in 2005. 

Bills Would Bring Rent Relief to Judiciary, Allow Cameras in Courts, Shape Judicial Security and Review, and Create Inspector General

Late last month the Senate Judiciary Committee unanimously approved S. 2292, a bill that would, in its own words “provide relief for the Federal Judiciary from excessive rent charges.” The legislation, if enacted, would require that rents established by the General Services Administration (GSA) for all courthouses and facilities provided to the judicial branch “not exceed the actual costs of operating and maintaining such accommodations.” A similar bill, H.R. 4710, the Judiciary Rent Reform Act, is pending in the House.

The Judiciary’s total rent obligation to GSA is now approximately \$1 billion, and yet the estimated cost to GSA to operate and maintain court-occupied facilities is approximately \$450 million. From 1985 to 2005, the Judiciary’s space inventory has grown by 166 percent, while rent obligations to GSA have increased 585 percent.

Inspector General Proposed

Also late last month Senator Charles Grassley (R-IA) and Representative F. James Sensenbrenner (R-WI), chairman of the House Judiciary Committee, introduced legislation that would establish an inspector general for the judicial branch. The bills, which are identical, are titled the “Judicial Transparency and Ethics Enhancement Act of 2006.” In the past, the Judicial Conference has opposed such legislation, pointing out that the Judiciary is an independent branch of government and already has in place numerous audits and reviews of federal Judiciary funds, programs, and operations.

Courts Would Open to Cameras

Two bills that would open federal courtrooms to cameras are headed to the Senate floor with the approval

of the Judiciary Committee. One bill, S. 829, introduced by Senators Charles Grassley (R-IA) and Charles Schumer (D-NY), would allow broadcast coverage of proceedings at all levels of the federal courts, at the discretion of the presiding judge. Called the “Sunshine in Courtroom Act of 2005,” the bill provides for the obscuring of non-party witnesses’ voices and images upon request. A three-year sunset provision is included for the district courts. Similar legislation was introduced in the 106th Congress, and since then the Senate Judiciary Committee has reported favorably bills to allow cameras in courtrooms three times.

A second bill, S. 1768, introduced by Senator Arlen Specter (R-PA), would require television coverage of all open sessions of Supreme Court proceedings unless a majority of the justices decide that allowing such coverage in a particular case would “constitute a violation of the due process rights of one or more of the parties before the Court.”

Since 1996, Judicial Conference policy has allowed all federal appeals courts to permit their proceedings to be televised, but only the Second and Ninth Circuits voted to allow electronic media coverage. The Conference has concluded that it is not in the interest of justice to permit cameras in federal trial courtrooms. Electronic media coverage of criminal proceedings in federal courts is expressly prohibited under Federal Rule of Criminal Procedure 53.


A Federal Judicial Center study of a three-year Judicial Conference pilot program allowing electronic media coverage of civil proceedings in two appellate and six district courts, found that 64 percent of the participating judges reported that, at least to some extent, cameras make

witnesses more nervous than they otherwise would be. In addition, 46 percent of the judges believed that, at least to some extent, cameras make witnesses less willing to appear in court.

Judicial Security and Review Impacted

The House passed H.R. 4472, the “Children’s Safety and Violent Crime Reduction Act of 2006” in early March and the bill is now pending Senate Judiciary Committee action. The bill includes a provision that would require the U.S. Marshals Service to consult with the Administrative Office regarding the security requirements of the judicial branch and a provision that would protect judges from the malicious recording of fictitious liens. In addition, the bill would allow judges who have received supervised training under regulations set out by the Attorney General, to carry firearms.

H.R. 4472 also would amend the habeas corpus procedures in 28 U.S.C. § 2264 and § 2254 to bar federal court review of claims based upon an error in the applicant’s sentence or sentencing that a court determined to be harmless or not prejudicial, that were not presented in state court, or that were found by the state court to be procedurally barred, “unless a determination that the error is not structural is contrary to clearly established federal law, as determined by the Supreme Court.”

The Judicial Conference has opposed such limits on judicial review, stating among other reasons, that they have the potential to undermine the traditional role of the federal courts to hear and decide the merits of claims arising under the Constitution. 

Ten Courts of Appeals Move to CM/ECF

The district courts are doing it. The bankruptcy courts have already done it. Now it's the turn of the federal courts of appeals.

Ten of the 13 courts of appeals are participating in the Judiciary's national rollout of the Case Management/Electronic Case Files (CM/ECF) system that is now in use in 89 district courts, 92 bankruptcy courts, the Court of International Trade and the Court of Federal Claims. Unlike those courts, the courts of appeals are still in the implementation stage, which began in 2005. During this time, functions have been added and kinks subtracted. Says Gary Bowden, chief of the Administrative Office's Appellate Court and Circuit Administration Division, "The 10 courts of appeals are making steady progress and we expect the first courts to go live with the CM/ECF system by late 2006 or early 2007."

According to Bowden, this is the first time the AO has provided a national application supporting the courts of appeals, including clerks' offices, staff attorneys, and circuit mediation programs, which historically each have had separate systems.

The Second, Eleventh, and Federal Circuits, which support their own unique case management systems, are not implementing CM/ECF at this time, but future transfer to the system is a strong possibility in the Second and Eleventh Circuits.

"The rollout of CM/ECF to the more than 90 district and bankruptcy courts, was done in waves with prototypes and pilot courts," said Bowden. "But with only 10 courts of appeals participating, the distribution is a little different. A preliminary version of the CM/ECF system is rolling out to all the courts at the same time."

The version the appellate courts receive is relatively complete, but updates and functionality will continue to be added as users gain familiarity

with the system and suggest improvements. The final version will be distributed to the courts in July 2006.

Development of the CM/ECF system for the courts of appeals has been a cooperative effort between the Administrative Office and the courts.

"There were few enough courts, so that we could involve them heavily in developing and testing the system, and providing feedback to the AO," said Bowden. "It's a product of their close involvement."

In the Eighth Circuit, Clerk of Court Michael Gans and his staff tested how well data on the existing Appellate Information Management system would transfer to the CM/ECF system.


"The AO asked us to take the lead," said Gans, "and we worked with the Systems Deployment and Support Division in San Antonio and the CM/ECF development team to verify the conversion process. Other courts will follow along."

"Before courts go live with CM/ECF," explained Project Director Gary Bockweg in the AO's Office of Court Administration, "they work with a version of the system that will let them build their event dictionaries, experiment with local reports, train staff, and let their automation people see how the system works on their server."

Although Clerk of Court Marcia Waldron, U.S. Court of Appeals for the Third Circuit, has worked with CM/ECF for only a few months, she anticipates certain efficiencies.

"Appeals can be, by their nature, paper-intensive," Waldron explains. "With most case-related papers stored electronically in the system and readily accessible, I expect CM/ECF to save us time."

The CM/ECF implementation is welcome news for the courts. "The old case management systems used by the courts of appeals," said Bockweg, "were built in the early 1980s. Their components—both the hardware and operating systems—were no longer supported by vendors. The point had been reached where new software wasn't compatible with old hardware and the old system was becoming too expensive to maintain. The changeover to the new CM/ECF is a matter of modernization."

As of May 2006, more than 26 million cases are on CM/ECF systems, and 230,000 attorneys and others have filed documents over the Internet. In fiscal year 2005, over 68,473 appeals were filed in the courts of appeals, where filings have increased nearly 32 percent in the last decade. 

CM/ECF In the Courts

Number of Courts Live on CM/ECF:

- 91 District (& Other) Courts**
- 92 Bankruptcy Courts**

Number of Courts Implementing CM/ECF:

- 10 Courts of Appeals**
- 96 District (& Other) Courts**
- 94 Bankruptcy Courts**

Number of Cases Managed (in Millions): 26

Number of Attorneys who Have Filed (in Thousands): 230

Offender Workforce Development Aims to Cut Recidivism

Men and women freed from federal prison into supervised release are three to five times more likely to return to prison if they don't have a job.

That reality is spurring a growing cottage industry within federal probation offices across the country to help ex-offenders turn their lives around by preparing them to join the workforce, and to attract employers willing to give them that opportunity.

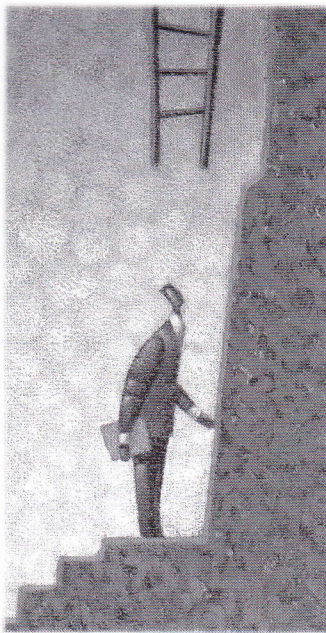
"Because nearly 97 percent of those sent to prison will return to their communities, it is our obligation to help those released become productive citizens," said Doug Burris, chief probation officer for the Eastern District of Missouri. "The foundation for successful reentry is meaningful employment."

His office was one of several sponsors in April of the second annual National Offender Workforce Development Conference, a three-day event in St. Louis attended by some 400 federal, state, and local officials.

Replete with workshops that offered practical advice, the conference also served as a rallying point. "You stand with the poor and the voiceless and the powerless," the Rev. Gregory Boyle, founder of the Los Angeles-based Jobs For a Future, told conference attendees. "You choose to stand with the demonized, so the demonizing will stop."

U.S. Bureau of Prisons Director Harley Lappin, another keynote speaker, said workforce development efforts, if successful, will bring about three desirable results:

- Fewer people returning to prison
- Less taxpayer money spent to prosecute and incarcerate repeat offenders.



- Fewer people victimized by repeat offenders.

Citing shrinking financial resources, Lappin said, "We cannot afford to invest in programs that do not reduce recidivism."

He projected that the 190,000 inmates currently in the federal prison system will be joined by more than 7,500 more per year over the next three years. By 2011, he said, the system will hold 220,000 to 225,000 men and women. (About 2 million prisoners currently are in state and local custody. Each year, more than 650,000 inmates are released from federal and state prisons to return to their communities.)

Convincing those inmates to break their personal cycle of failure by preparing for the foreign world of 9-to-5 is a challenge. But so, too, is helping locate the type of employment that will lift them to new lives. Not every minimum-wage position can do that.

"They want to talk about jobs but we tell them about careers," said Janie Propst, a probation officer in the Western District of North Carolina. "At the same time, we're trying to get business people in the communities to understand the importance of hiring ex-offenders. In workforce development, you often hear the

words 'partnering,' 'collaborating' and 'networking.' Probation offices need to compile a list of second-chance employers in their communities."


Kathleen Oakar, a probation officer in the Northern District of Ohio, knows how difficult finding such employers can be.

"Holding a job fair can be a disservice if the jobs are not there," she said. "We held a series of luncheons with employers, explaining how ex-offenders are bonded; how those employees are going to have someone watching them. Getting judges involved is essential in attracting some employers."

Examples of enthusiasm abound: Several probation offices reported creating clothes closets—a collection of donated business attire for ex-offenders to wear when they attend career fairs or job interviews. Other probation offices have partnered with a national organization that teaches people how to live within a budget and to save.

Virtually all workforce development by federal probation and pretrial services offices is carried out by officers with full caseloads. But help is available. The Administrative Office's Office of Probation and Pretrial Services (OPPS) has joined forces with the Justice Department's National Institute of Corrections, the Bureau of Prisons, the Department of Labor and the Legal Action Center's HIRE Network in an effort to enhance career-oriented employment opportunities for ex-offenders.

"Developing partnerships with industries and employers is a key component," said Migdalia Baerga-Buffler, a probation and pretrial services administrator in OPPS. "So are conducting skill assessments and providing industry-related training."

To learn more about offender workforce development, visit the Federal Judiciary's web site at www.uscourts.gov/fedprob/supervise/employment.html. 

Justice O'Connor Speaks Out on Inter-Branch Relations, Civic Education, and the State of the Federal Judiciary

Q: You have expressed concerns about the attacks against federal courts and individual judges and their opinions, compared with other times in our nation's history. Is there an explanation for why the decibel level seems to be particularly high at this time?

A: There is more intense criticism and concern about judges in the country than at any earlier time during my life. There was considerable criticism of the Supreme Court at the time that Earl Warren was Chief Justice. I remember seeing billboards and signs urging the impeachment of Earl Warren following the *Brown v. Board of Education* decision and some of the decisions of the Warren court having to do with criminal cases. But that movement died down and the nation, over time, accepted the *Brown* decision as correct and appropriate. The American people eventually concluded that our nation could not and should not discriminate on the basis of race.

Today, the criticisms of judges perhaps are an outgrowth of continued unhappiness about the holding in *Roe v. Wade*, which held unconstitutional some early term state restrictions on abortion. More recently, complaints have been heard about judicial holdings on the subjects of sodomy, the juvenile death penalty, posting of the Ten Commandments, and a few state court decisions concerning gay or lesbian marriages.

In recent years, there have been proposals in Congress to use as grounds for impeachment the citation in judicial opinions of foreign

judgments. There have been calls from some members of Congress for retaliatory budget cuts for the Judiciary as a means of criticizing opinions that were unpopular.

There have been calls for depriving federal courts of jurisdiction over certain types of cases. At the state level, there are efforts to eliminate merit selection of judges in favor of a return to popular elections or nominations requiring legislative approval. In at least one state, there is even a proposal to allow lawsuits and even criminal sanctions against

"The Framers understood quite well that without judges who could enforce the Constitutional rights and guarantees without fear of retaliation, the Constitution would be meaningless."

state judges for certain decisions. The proposal is called J.A.I.L. for Judges.

Many judges and lawyers as well as non-lawyers are expressing concern with the various calls for retaliation against judges for specific decisions. Clearly, judges do not always make decisions with which everyone will agree. Indeed some decisions can be justifiably criticized.

Q: Certainly the Framers of the Constitution wanted to preserve the right to free speech, but did they envision the types and level of attacks against the federal Judiciary that we are witnessing?

A: No one, I think, believes that judges are above criticism. We live in a country where the Constitution protects the right of free speech, which certainly includes criticism of judges and judicial opinions.

Nevertheless, when the Framers drafted our national Constitution, they were very careful to provide for independence of the federal Judiciary. The Framers understood quite well that without judges who could enforce the Constitutional rights and guarantees without fear of retaliation, the Constitution would be meaningless. That is why no term of office was provided for federal judges and that is why judicial salaries for federal judges may not be reduced during their service. The many calls for retaliation against judges for rulings in particular cases, run directly counter to the concept of the Framers of the Constitution.

It is important that Americans understand and care about the context the Framers had in mind in drafting the Constitution. It is vitally important that the other branches of government refrain from taking retaliatory action against judges. It is of course legitimate that ethical standards be enforced and disciplinary action is taken against judges who engage in malfeasance or misfeasance in office.

It is of course legitimate to criticize judges and their rulings if the speaker disagrees with them. But it also is my hope that citizens across the country will think about how the selection of judges can be improved at both the state and national levels and will think about the necessity to

compensate judges adequately for the service they provide.

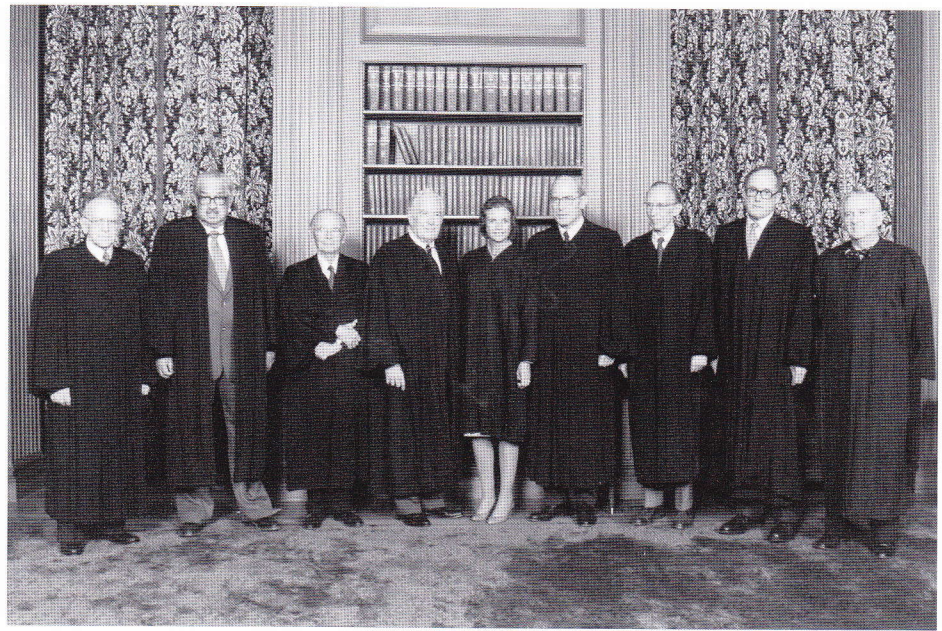
Q: What can be done to improve the unfortunate climate you describe?

A: It is very important that we educate students at all levels about our Constitution, about the structure of our Constitution, including the concept of judicial independence. All of us should be concerned with the knowledge that schools are teaching much less, and in some cases nothing, about civics and government to our students. There is no mandatory testing on these subjects; there is no longer a focus on these subjects. Our system of constitutional democracy will suffer greatly if this is not corrected. It is also important that adults in this country have an opportunity to understand the concerns about the need for an independent Judiciary and that they have a chance to think about and discuss some of these concerns at public gatherings. I hope that judges—both federal and state—will accept opportunities when offered to talk about these topics.

Q: You have traveled abroad extensively to work with and observe foreign courts in action. Do these judges and courts experience some of the same conflicts U.S. judges are confronting?

A: For many years, the federal courts in our country have been greatly admired by leaders in other nations. They have been held up as models for judicial independence and effectiveness. There is less of that today as people in other nations see attacks in this country on judges in the circumstances I described above.

Our country has been very much focused on encouraging newly formed nation states to embrace the rule of law and to develop strong,




When Associate Justice Sandra Day O'Connor took her seat on the Burger Court in 1981, she was the first woman to serve on the Supreme Court of the United States. She retired on January 31, 2006.

fair, and able judiciaries. We have provided aid to many countries to help them achieve these goals. It is ironic that at the same time we are supporting other countries' efforts, we're seeing efforts in our country to damage or destroy our own system.

Q: You know a lot of federal judges throughout the country and hear them talk about their work and their lives. How has the decline in the value of judges' compensation impacted the morale of federal judges?

A: Historically, the federal Judiciary has been comprised of people who demonstrated their ability and achievement in the legal profession, and who for that reason were chosen to serve on the federal bench. In earlier times, the salaries paid to federal judges and the salaries paid to people in similar positions outside the Judiciary were comparable. Today, that is no longer the case and there has been a steady erosion of the salary levels for federal judges compared to other positions. It is not uncommon for a

law clerk at the Supreme Court or a Court of Appeals to earn within the first year of private employment as much or more than the judge for whom the clerk worked. Salaries of law professors similarly exceed that of federal judges.

What may happen and what may already have started is that our judges will become more like civil servants, starting at a very low salary in lower positions on behalf of the courts, and working up to judicial appointments in time. This is the system used by most countries in the European Union today. It is not the choice that we followed in this nation previously, and I hope it will not be the path we follow. It is not as attractive to be a judge today as it was in the 1950s, 60s or 70s and I can understand the concerns that have been raised by those who serve on federal courts at all levels. 

Appointed: Michael A. Chagares, as U.S. Court of Appeals Judge, U.S. Court of Appeals for the Third Circuit, April 24.

Appointed: Timothy C. Batten, Sr., as U.S. District Judge, U.S. District Court for the Northern District of Georgia, April 3.

Appointed: Thomas E. Johnston, as U.S. District Judge, U.S. District Court for the Southern District of West Virginia, April 17.

Appointed: Jack Zouhary, as U.S. District Judge, U.S. District Court for the Northern District of Ohio, April 5.

Appointed: Susan D. Barrett, as U.S. Bankruptcy Judge, U.S. Bankruptcy Court for the Southern District of Georgia, March 22.

Appointed: Thomas J. Catliota, as U.S. Bankruptcy Judge, U.S. Bankruptcy Court for the District of Maryland, April 3.

Appointed: Wendelin I. Lipp, as U.S. Bankruptcy Judge, U.S. Bankruptcy Court for the District of Maryland, April 3.

Appointed: Neil P. Olack, as U.S. Bankruptcy Judge, U.S. Bankruptcy Court for the Southern District of Mississippi, May 1.

Appointed: Claire C. Cecchi, as U.S. Magistrate Judge, U.S. District Court for the District of New Jersey, April 26.

Appointed: Frederick F. Mumm, as U.S. Magistrate Judge, U.S. District Court for the Central District of California, April 3.

Appointed: Diana Saldana, as U.S. Magistrate Judge, U.S. District Court for the Southern District of Texas, March 27.

Senior Status: U.S. Court of Appeals Judge Jane R. Roth, U.S. Court of Appeals for the Third Circuit, May 31.

Elevated: U.S. District Judge John M. Roll, to Chief Judge, U.S. District Court for the District of Arizona, succeeding U.S. District Judge Stephen M. McNamee, May 1.

Elevated: U.S. Bankruptcy Judge J. Vincent Aug, Jr., to Chief Judge, U.S. Bankruptcy Court for the Southern District of Ohio, succeeding U.S. Bankruptcy Judge Thomas F. Waldron, May 1.

Elevated: U.S. Bankruptcy Judge Peter W. Bowie, to Chief Bankruptcy Judge, U.S. Bankruptcy Court for the Southern District of California, succeeding U.S. Bankruptcy Judge John J. Hargrove, January 2.

Retired: U.S. Bankruptcy Judge James N. Barr, U.S. Bankruptcy Court for the Central District of California, April 30.

Retired: U.S. Magistrate Judge Faith M. Angell, U.S. District Court for the Eastern District of Pennsylvania, May 13.

Retired: U.S. Magistrate Judge Peter A. Nowlinski, U.S. District Court for the Eastern District of California, February 28.

Retired: U.S. Magistrate Judge Arnold C. Rapoport, U.S. District Court for the Eastern District of Pennsylvania, May 3.

Retired: U.S. Magistrate Judge O. Edward Schlatter, U.S. District Court for the District of Colorado, February 14.

Retired: U.S. Magistrate Judge Charles B. Swartwood, III, U.S. District Court for the District of Massachusetts, January 31.

For additional April milestones, visit *The Third Branch* on-line at www.uscourts.gov

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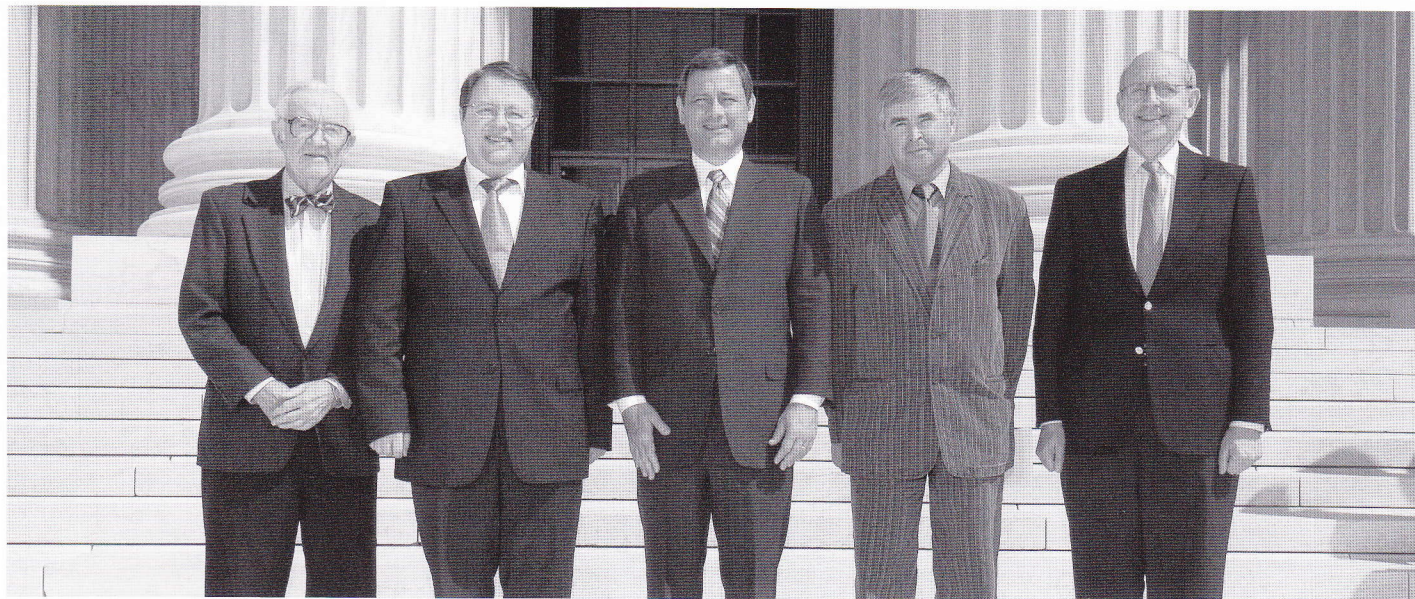
JUDICIAL BOXSCORE

As of May 1, 2006

Courts of Appeals	
Vacancies	17
Nominees	7
District Courts	
Vacancies	36
Nominees	16
Courts with "Judicial Emergencies"	23

For more information on vacancies in the federal Judiciary, visit our website at www.uscourts.gov under Newsroom.

Russian Chief Justice Meets with United States Chief Justice



Two Chief Justices met recently at the Supreme Court of the United States. Anton Aleksandrovich Ivanov, Chief Justice of the Supreme Arbitrazh Court of the Russian Federation, (second from left) stood on the steps of the Supreme Court, flanked to his right by Supreme Court Justice John Paul Stevens, and to his left by Chief Justice John G. Roberts Jr. On Robert's left is Judge Vladimir Slesarov, a Justice of the Supreme Arbitrazh Court of the Russian Federation and Chairman of the Collegium on Property Disputes, with Supreme Court Justice Stephen G. Breyer. In addition to their visit to the Supreme Court, the Russian Delegation was briefed by staff of the Administrative Office and the Federal Judicial Center on many aspects of the federal Judiciary, including case management practices, distance education, public relations, electronic access to records, the rules process and information technology.

Photo credit: Steve Petteway, Collection of the Supreme Court of the United States

Courts' Compliance with E-Government Act Nearly Total

For 2006, the Judiciary reports to Congress that each of the nearly 200 federal courts have websites and the vast majority of those sites satisfy or exceed all of the currently applicable requirements of the E-Government Act of 2002. By statute, a report on court compliance with the Act must be submitted to Congress annually.


The E-Government Act, P.L. 107-347, is intended, in part, "to establish a broad framework of measures that require using Internet-based information technology to enhance citizen access to Government information and services."

The Act requires each federal court to establish and maintain a website with information or links to websites with information on court location and contact information for the courthouse, local rules and standing or general orders of the court, access to docket information

for each case, access to the substance of all written opinions issued by the court in a text-searchable format, and any other information, including forms that the court determines useful to the public. Federal courts comply with most of these requirements through the Public Access to Court Electronic Records (PACER) system and the Case Management/Electronic Case Files (CM/ECF) system, which provide remote access to electronic versions of documents filed with the courts.

A court unable to meet the Act's requirements must submit an annual notice with the reason for the deferral. In 2005, 21 courts filed notices of deferral with the Administrative Office; in 2006, only seven courts asked to defer full compliance with the Act. Courts' reasons for deferring include not yet being fully operational on the CM/ECF system, web-

available opinions that are not text searchable, and needing additional time to post general orders. All courts expect to be compliant with current requirements by the end of 2006.

According to the 2006 report, the majority of courts are not only in compliance, many are including more information on their websites than the Act requires. Specifically, courts are using their websites to provide information on the history of the court, information specific to potential jurors, and information needed by members of their practicing bars. They are also using the sites to allow the public greater access to more general information, including job opportunities with the federal government, access to websites of other branches and agencies of the federal government, and general information about the federal government structure. 

Telephonic Court Appearance Services Go Nationwide

A 10-minute appearance in federal court can mean hours caught in traffic or a long plane or train ride for lawyers and others involved in the litigation. Significant savings of time and money could be achieved in some non-evidentiary proceedings if an appearance were, literally, phoned in.

"Telephonic court appearances are very convenient for lawyers, and can significantly reduce their travel time and costs," said Peter McCabe, Assistant Director of the Administrative Office's Office of Judges Programs.

Some district and bankruptcy courts already employ that option for proceedings such as status hearings, but master license agreements awarded by the AO to four vendors

made telephonic court appearance services more easily available nationwide, effective March 20, 2006.

The U.S. Bankruptcy Court for the Eastern District of California has used such a service for longer than a decade. "It certainly has helped bankruptcy trustees and the attorneys who represent the parties, saving some of them from having to travel 280 to 300 miles for a brief appearance," said Clerk of Court Richard Heltzel.

"Overall, things have been running very smoothly," he said, adding that users have had to learn a certain etiquette. "Speaker phones are not a good idea, and cell phones can be a problem at times."

Individual courts can select one or more of the four teleconferencing vendors, who are charged with seamlessly integrating services that result in little or no disruption to a court's daily activities. No additional duties or responsibilities are created for courtroom staff.

"Judges benefit from using telephonic court appearance services because it helps them run a more efficient courtroom and expedite law and motions proceedings," McCabe said. "Courts benefit from these services because all of the logistics are handled by the vendors, rather than by the court staff."

The type of proceeding dictates the number of participants on a call, but the four vendors have the ability to host a maximum of 100 participants on one call—a feature especially important for bankruptcy cases in which many creditors can be affected.

Use of these services is subject to each court's local policies and procedures. To discover whether telephonic appearance services are offered by a particular court, check with the clerk of court's office or visit that court's website.



Judge J. Clifford Wallace to Receive Devitt Award

Judge J. Clifford Wallace (9th Cir.) will receive the 2005 Edward J. Devitt Distinguished Service to Justice Award. The award, named for the late Judge Edward J. Devitt (D. Minn.), honors Article III judges who have made significant contributions in their careers to the administration of justice, the advancement of the rule of law, and the improvement of society as a whole.

Throughout his judicial career, Wallace has been influential in the field of state-federal judicial relations, in the improvement of relations between the bench and bar, and in the pursuit of judicial efficiency for trial and appellate courts.

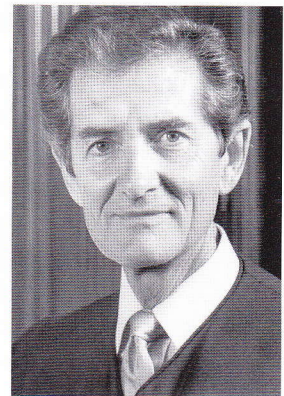
With Chief Justice Warren Burger, Wallace was an early advocate for the establishment of the American Inns of Court, and he remains active in the association. Among his many contri-

butions to judicial administration was his work in shaping the legislation that authorized the present structure for a judicial discipline system in the federal courts.

Throughout his career, Wallace has worked with foreign judiciaries. Since taking senior status in 1996, he has traveled extensively to developing countries to teach the importance of judicial education, efficiency, and excellence. His reputation as a spokesman for the rule of law is known by judges in Russia, Eastern Europe, Africa, Asia, and the Pacific.

Wallace also has served as a member of the Executive Committee of the Judicial Conference, and as a member of numerous Conference committees.

He was appointed to the U.S. District Court for the Southern District of California in 1970 and was



Judge J. Clifford Wallace

elevated to the U.S. Court of Appeals for the Ninth Circuit in 1972, serving as chief judge from 1991 to 1996.

The 2005 Devitt Award recipient was chosen by a three-member panel chaired by Supreme Court Justice Anthony Kennedy, with Chief Judge John M. Walker, Jr. (2nd Cir.) and Chief Judge Barbara Brandriff Crabb (W.D. Wis.). The annual Devitt Award is administered by the American Judicature Society.



Federal Courthouse 'Learning Center' to Open in St. Louis

How does the work of the federal courts differ from that of state courts? What are the different types of federal courts? What does "an independent Judiciary" and "the rule of law" mean?

Visitors to the impressive Thomas F. Eagleton U.S. Courthouse in St. Louis have a hands-on opportunity to discover the answers to these questions, and more, as a Judicial Learning Center opens its doors in May.

"This is not a museum," explained Jim Woodward, clerk of court for the U.S. District Court for the Eastern District of Missouri, as he walked through the center's ground-floor home. "When this building was being planned, it was decided that a space should be devoted to presenting clear, objective information about the federal courts—about the courts' roles, their structure, their work."

Senior Judge Edward L. Filippine (E.D. Mo.) was an early champion of the center. "His vision was to have an inviting space to accommodate student groups or members of community organizations who visit the courthouse for scheduled tours, and to attract visitors who may simply be curious about the building," Woodward said.

A staple of the downtown St. Louis skyline (it is the city's third tallest building), the 28-story courthouse has about 650,000 square feet of usable space, making it the nation's largest federal court facility and the only one that houses three distinct federal courts. The U.S. Court of Appeals for the Eighth Circuit, the Eastern District of Missouri, and the Eastern District's U.S. Bankruptcy Court call the courthouse home.



Although the courthouse opened in January 2001, build-out of the 2,500-square-foot learning center did not begin until January 2006.

"It is a space dedicated to letting the public know just how much importance our Constitution's Framers attached to the federal courts and to an independent Judiciary," said Judge Catherine Perry (E.D. Mo.), who served on a committee of judges and lawyers who helped bring the project to completion.

"We want to inform visitors about the judicial process, to promote public understanding of the importance of the rule of law in American society, and to tell them why the Founders designed a separate but coequal branch of government," she said.

The Judicial Learning Center, a program supported by the courts of the Eighth Circuit, is a non-profit corporation whose board members come from the St. Louis



Artist's renderings of the Learning Center, Thomas F. Eagleton U.S. Courthouse, St. Louis, Missouri.

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legal community. Content for the center has been developed by educators, lawyers, museum experts, and judges.

"A lot of brainstorming went into choosing basic topics," Woodward said.

Once the topics were identified, St. Louis resident Jason Schmidt, a third-year law student at the Thomas Jefferson School of Law in San Diego, was given a 10-week contract to develop text material for the center's permanent exhibits.

Until those exhibits are installed, the center will feature various traveling displays with justice and law themes. The first is one showing the role of the U.S. district courts in immigration, naturalization and deportation proceedings.


Nearly 2,000 immigrants are sworn in as new U.S. citizens in some 25 naturalization ceremonies held each year in the Eastern District of Missouri. The center's first exhibit, expected to be on display until July, was provided by the American Immigration Law Foundation, and is entitled "America's Heritage: A

History of U.S. Immigration."

"Once we've completed all the permanent features, this will be a very interactive experience," Woodward said as he pointed out where a flat-panel television with various video capabilities will be located.

"The center will include a replica of a judicial bench and a jury box. We know that students love to sit in a judge's or juror's chair. They understand the importance of what goes on in a court. We also hope to have a federal-courts-in-the-news feature that will be updated daily."

The center is considered an ideal place in which to begin organized tours for students and other groups of visitors. Each of the courthouse's tenants will play a role in hosting visitors. "It's a great place to set the right tone," Woodward said.

Construction costs for the build-out of the center were shared by the General Service Administration and the federal courts of the Eighth Circuit, but the costs of updating content will be paid for by a separate and independent non-profit corporation. 

Ethics Quiz 2006 for Federal Judges

A new form of ethics education made its debut in April when the Judicial Conference Committee on Codes of Conduct published its Ethics Quiz 2006 for federal judges. The quiz is the first in a planned annual series. Judge Gordon Quist (W.D. Mich.), chair of the Committee, said that the new quiz is designed to test judges' knowledge, and increase judges' understanding, of ethics rules. He encouraged all judges to test their "E.Q." by taking the quiz. Access the quiz on the J-Net at: http://jnet.ao.dcn/Judges/2006_Ethics_Quiz_For_Federal_Judges.html.

Sample question:

True or False?—The maximum amount of teaching income a federal judge may accept in 2006 is \$24,780.

[Answer: True. Note that this is the ceiling for all outside earned income, not just teaching income. Outside Earned Income Regulations § 3(a).]

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